

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 5:03CR00195-001
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
vs.)	ORDER
)	
RICKY D. GARRETT,)	
)	
Defendant.)	

This matter was heard on July 13, 2012, upon the request of the United States Pretrial and Probation Office for a finding that defendant has violated the conditions of his supervised release.. The defendant was present and represented by Attorney Joseph Gardner.

The supervised release violation report was referred to Magistrate Judge Limbert on June 4, 2012 [Doc. 33]. A Report and Recommendation was issued on June 20, 2012 [Doc. 36] finding defendant had violated the conditions of supervised release and no objections were filed by either party. This Court, having made an independent review, adopts the Report and Recommendation of Magistrate Judge Limbert and finds that defendant violated the conditions of supervised release as follows:

- 1) engaging in new criminal law violations of attempted trafficking in marijuana, trafficking in heroin, attempted tampering with evidence and illegal use of food stamps;
- 2) illegal drug use as reflected in test samples submitted on April 21, 2012

and May 7, 2012.

Therefore, the defendant is committed to the Bureau of Prisons for term of 18 months with a recommendation that he participate in the intensive drug treatment program. The Court further recommends that defendant be incarcerated at FCI Elkton

With regard to defendant's federal term of supervision following release from incarceration, the Court noted that should the State of Ohio impose at least 2 years of post-release control at the sentencing set for July 17, 2012, then defendant's federal supervision will be terminated. However, should the State of Ohio not impose at least 2 years of post-release control then defendant shall serve a federal term of supervised release of 1 additional year upon release from incarceration. Counsel for defendant shall update the undersigned following defendant's sentencing in state court.

The defendant is remanded to the custody of the U.S. Marshal, Cleveland, Ohio.

Dated: July 15, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE